

Certificate of Mailing [37 CFR 1.8(a)]

2852

I hereby certify that this paper and the documents referred to as attached therein, are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.



August 29, 2001
Date

Denise Ortega
Name

Denise Ortega
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jan Zavada et al.

Serial No.: 09/772,719

Group Art Unit:

Filed : January 30, 2001

Examiner:

For : MN Gene and Protein

TECH CENTER 1600/2900

NOV 06 2001

RECEIVED

RECEIVED
SEP 7 2001

TC 2000 MAIL ROOM

SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR SECTIONS 1.56, 1.97 AND 1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The accompanying PTO Form 1449 is submitted pursuant to 37 CFR Sections 1.56, 1.97 and 1.98, directing Applicants to submit literature and information that may be considered material to the examination of the claims of an application. Applicants respectfully submit that this Supplementary Information Disclosure Statement (IDS) should be considered in accordance with 37 CFR 1.97(b)(3), as it is being submitted "[b]efore the

mailing date of a first Office action on the merits . . . " for the subject application, and that therefore, no fee is required for its consideration.

Applicants respectfully point out that the "filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in Section 1.56(b)" [37 CFR Section 1.97(h)]; and that an information disclosure statement filed in accordance with 37 CFR Section 1.97 "shall not be construed as a representation that a search has been made." [37 CFR Section 1.97(g)]

Further the identification of any document herein is not intended to be, and, Applicants respectfully submit, should not be construed as being, an admission that such a document, in fact, constitutes "prior art" within the meaning of the applicable laws, since, for example, a given document may have a later effective date than at first seems apparent, or the document may have an effective date which can be antedated. Applicants respectfully conclude on this point that the "prior art" status of any document is a matter to be resolved during prosecution.

Thus, Applicants respectfully conclude that the citation of references herein is not intended to be an admission

that any of the references are considered to be material or to constitute prior art, or that any of the references, either alone or in combination with any other references, would be sufficient to render any of the claims of the above-identified patent application unpatentable.

Respectfully submitted



Leona L. Lauder
Attorney for Applicant
Registration No. 30,863

Dated: August 29, 2001